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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11 AT&T CORP.,

12 Plaintiff,

13 v.

14 DATAWAY INC. dba DATAWAY
15 DESIGNS,

16 Defendants.
17

) Case No. C07-02440 EDL

) NOTICE OF MOTION AND MOTION
) OF PLAINTIFF AND COUNTER-
) DEFENDANT AT&T CORP. FOR
) ORDER CORRECTING JUDGMENT
) OR, ALTERNATIVELY, AMENDING
) JUDGMENT; MEMORANDUM OF
) POINTS AND AUTHORITIES;
) REQUEST FOR JUDICIAL NOTICE;
) DECLARATION OF TIMOTHY CARL
) AIRES

[F.R.C.P., Rules 59(e) and 60(a)]

DATE: September 23, 2008
TIME: 9:00 a.m.
CTRM: E, 15th Floor

21
22 PLEASE TAKE NOTICE that at 9:00 a.m. on September 23, 2008 in Courtroom E,
23 15th Floor of this Court, located at 450 Golden Gate Avenue, San Francisco, California
24 94102, the motion of Plaintiff and Counterdefendant AT&T Corp. for order correcting
25 judgment or, alternatively, amending judgment to state: (1) Plaintiff AT&T Corp. is entitled
26 to judgment on the Complaint of Plaintiff AT&T Corp. against Defendant Dataway Inc. dba
27 Dataway Designs in the sum of \$11,534.67, together with prejudgment interest of \$3,920.41
28 (based upon \$5.69 per day from September 25, 2006 through August 14, 2008 [689 days]);

(2) Counterclaimant Dataway Inc. dba Dataway Designs is entitled to nothing on the Counterclaim of Counterclaimant Dataway Inc. dba Dataway Designs; and (3) Costs and attorney's fees, if any, shall be claimed and contested in accordance with F.R.C.P., Rule 54(d) and Local Rule 54, will be brought on for hearing.

The motion is made pursuant to Federal Rules of Civil Procedure, Rules 59(e) and 60(a) on the grounds that the Court has granted the motion of Plaintiff and Counterdefendant AT&T Corp. for summary judgment and, therefore, Plaintiff AT&T Corp. is entitled to judgment on the Complaint of Plaintiff AT&T Corp. (Docket No. 1) against Defendant Dataway Inc. dba Dataway Designs in the sum of \$11,534.67, together with prejudgment interest of \$5.69 per day from September 25, 2006, and Counterclaimant Dataway Inc. dba Dataway Designs is entitled to nothing as a matter of law on the Counterclaim of Counterclaimant Dataway Inc. dba Dataway Designs (Docket No. 31); however, the Judgment entered by this Court is silent as to the monetary relief granted to Plaintiff AT&T Corp. on its Complaint.

The motion is based on this notice of motion, the memorandum of points and authorities in support thereof, the accompanying request for judicial notice, the accompanying declaration of Timothy Carl Aires, and upon such oral argument as may be presented at the hearing of this motion.

DATED: August 18, 2008

AIRES LAW FIRM

By: 

Timothy Carl Aires, Esq.
Attorney for Plaintiff and Counterdefendant,
AT&T CORP.